



DEPARTMENT OF THE NAVY
OFFICE OF THE CHIEF OF NAVAL OPERATIONS
WASHINGTON, D.C. 20350

IN REPLY REFER TO
Ser 009D21/367102
MAY 27 1981

MEMORANDUM FOR ACTING CHAIRMAN, DIRECTOR CENTRAL INTELLIGENCE
SECURITY COMMITTEE

Subj: DCID 1/14, Annex B, Appeals Procedures

Ref: (a) Your Memo SECOM-D-150 of 21 May 1981

1. As requested in reference (a), the Department of the Navy position on the proposed Annex B to DCID 1/14 has been reviewed. The Department of the Navy agrees that the DCI should establish uniform procedures throughout the Intelligence Community for appeal by persons who have been denied access to Sensitive Compartmented Information (SCI).

2. The proposed Annex B to DCID 1/14 would establish uniform procedures and is acceptable with the exception of the provision for personal appearance by an appellant. The Department of the Navy objects to inclusion of any provision for personal appearance for the following reasons:

a. Although the financial impact of providing for a personal appearance before a Determination Authority is a serious consideration, the objection is primarily based on the sheer impracticability of such a provision for the Navy. The Navy's two Determination Authorities are located in the Washington, D.C. area; however, the persons considered for access to SCI are usually far removed from the Determination Authority. Considering the world-wide deployment of integral naval forces, provision for a personal appearance before a Determination Authority is not reasonable, nor is there any practical "flexibility" in providing for an appearance before a designee of the Determination Authority. Appearance before a designee would be pointless unless the designee were privy to the adjudication deliberations and had the authority to reverse the decision. Delegation of determination authority to designees, to the extent that would be necessary in the Navy, would degrade the adjudicative and decision processes to an unacceptable degree.

b. The inclusion in regulation of any provision for personal appearance, no matter how discretionary, is objectionable as the inference could thereafter be drawn that an opportunity for personal appearance was part and parcel of

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fair and equitable treatment. Any Navy personnel who did not have that opportunity (for a variety of reasons - operational, financial, administrative) would appear to be disadvantaged. The Navy does not believe that individual rights or the best interest of national security require the gratuitous privilege of personal appearance in the appeal process.



R. L. WELCH
Navy Member
DCI Security Committee

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